

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6258**

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UNITED STATES OF AMERICA,

Plaintiff- Appellee,

versus

FRANCISZEK PIOTR CETERA,

Defendant - Appellant.

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**No. 05-6429**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FRANCISZEK PIOTR CETERA,

Defendant - Appellant.

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Appeals from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (CA-04-239-F; CR-02-2; CR-02-2-1)

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Submitted: November 17, 2005

Decided: November 23, 2005

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Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Franciszek Piotr Cetera, Appellant Pro Se. Ethan Ainsworth Ontjes,  
OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Franciszek Piotr Cetera seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2255 (2000) motion and denying reconsideration. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find both that the district court's assessment of the constitutional claims is debatable or wrong and that any dispositive procedural rulings by the district court are also debatable or wrong. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Cetera has not made the requisite showing. Accordingly, we deny Cetera's motions to expedite the appeal as moot, deny a certificate of appealability, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED